

David H. Waters, State Bar No. 078512  
 Susan E. Firtch, State Bar No. 154624  
 Bina Ghanaat, State Bar No. 264826  
 BURNHAM BROWN  
 A Professional Law Corporation  
 P.O. Box 119  
 Oakland, California 94604  
 ---  
 1901 Harrison Street, 14th Floor  
 Oakland, California 94612  
 Telephone: (510) 444-6800  
 Facsimile: (510) 835-6666  
 Email: [dwaters@burnhambrown.com](mailto:dwaters@burnhambrown.com)  
 Email: [sfirtch@burnhambrown.com](mailto:sfirtch@burnhambrown.com)  
 Email: [bghanaat@burnhambrown.com](mailto:bghanaat@burnhambrown.com)

Attorneys for Defendant/Cross-Claimant/Third-Party Plaintiff  
 LIBERTY SURPLUS INSURANCE CORPORATION

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

THE AMERICAN INSURANCE  
 COMPANY,

Plaintiff,

v.

LIBERTY SURPLUS INSURANCE  
 CORPORATION; GREENWICH  
 INSURANCE COMPANY,

Defendants.

No. 5:11-CV-03159-LHK

*Case assigned to the San Jose Courthouse  
 Courtroom 8, Honorable Lucy H. Koh*

**STIPULATION DISMISSING  
 LIBERTY SURPLUS INSURANCE  
 CORPORATION'S THIRD-PARTY  
 COMPLAINT AND ADMIRAL  
 INSURANCE COMPANY'S  
 COUNTER-CLAIM AND CROSS-  
 CLAIM WITHOUT PREJUDICE**

**AND**

**ORDER DISMISSING THIRD-PARTY  
 COMPLAINT, COUNTER CLAIM  
 AND CROSS-CLAIM WITHOUT  
 PREJUDICE**

AND RELATED CROSS-ACTIONS.

1 IT IS HEREBY STIPULATED by and between third-party plaintiff Liberty Surplus  
2 Insurance Corporation ("Liberty Surplus") and third-party defendants Travelers Property  
3 Casualty Company of America ("Travelers"), Admiral Insurance Company ("Admiral"),  
4 Financial Pacific Insurance Company ("Financial Pacific"), American Safety Indemnity  
5 Company ("American Safety"), First Mercury Insurance Company ("First Mercury"), and  
6 Zurich American Insurance Company ("Zurich American) as follows:

7 1. Liberty Surplus shall dismiss its third-party complaint against third party  
8 defendants Travelers, Admiral, Financial Pacific, American Safety, First Mercury and Zurich  
9 American (collectively "third party defendants"), without prejudice, each party to bear its own  
10 costs.

11 2. The statute of limitations is tolled for all Liberty Surplus' claims against third  
12 party defendants through and including January 2, 2013 but does not toll any claims that may  
13 already be time barred.

14 3. Liberty Surplus may re-serve any third-party defendant by giving written notice  
15 by mail to third-party defendant's current attorney, that an answer is required to Liberty Surplus'  
16 current third-party complaint. LSIC need not re-file its current third party complaint. Third-  
17 party defendants shall answer the third party complaint within twenty (20) days of such written  
18 notice, but in lieu of an answer, may give notice that it is adopting its current answer.

19 4. Admiral shall dismiss its counter-claim and cross-claim against Liberty Surplus  
20 and Greenwich Insurance Company (collectively "counter-defendants") and against cross-  
21 defendants American Safety, Financial Pacific, Zurich American, Travelers, and First Mercury  
22 (collectively "cross-defendants") and cross-defendant Ironshore Specialty Insurance Company  
23 without prejudice, each party to bear its own costs.

24 5. The statute of limitations is tolled for all Admiral's claims against counter-  
25 defendants and cross-defendants through and including January 2, 2013 but does not toll any  
26 claims that may already be time barred.

27 6. Admiral may re-serve any counter-defendant and/or cross-defendant by giving  
28

1 written notice by mail to the counter-defendant's and/or counter-defendant's current attorney,  
 2 that an answer is required to Admiral's current counter-claim and cross-claim. Admiral need not  
 3 re-file its current counter-claim and cross-claim. Counter-defendants and cross-defendants shall  
 4 answer the Admiral counter-claim and cross-claim within twenty (20) days of such written  
 5 notice, but in lieu of an answer, may give notice that it is adopting its current answer.

6 7. Each party that is re-served shall either serve a Rule 26 Disclosure or give notice  
 7 it is adopting its heretofore served Rule 26 Disclosure and documents.

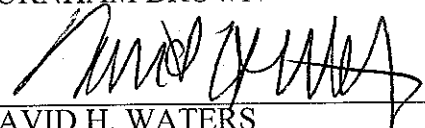
8 8. As to Zurich American, which has not made a Rule 26 Disclosure and produced  
 9 copies of its policies and of its coverage position letter (if any), the dismissal shall be effective  
 10 upon service on all parties of its Rule 26 Disclosure, production of its policies and of its  
 11 coverage position letter (if any).

12 9. As to Travelers, which made its Rule 26 Disclosure but has not produced copies  
 13 of its policies or of its coverage position letter (if any), the dismissal shall be effective upon  
 14 production of its policies and of its coverage position letter (if any) to all parties.

15 IT IS SO STIPULATED.

16  
 17 DATED: April 11, 2012

BURNHAM BROWN

  
 19 DAVID H. WATERS  
 Attorneys for  
 20 LIBERTY SURPLUS INSURANCE  
 CORPORATION

21  
 22 DATED: April 13, 2012

BOHM, MATSEN, KEGEL & AGUILERA, LLP

  
 24 A. ERIC AGUILERA  
 Attorneys for  
 25 TRAVELERS PROPERTY CASUALTY  
 COMPANY OF AMERICA

1 DATED: April 12, 2012

PARTON SELL RHOADES

2 /S/  
3 JAMES PARTON, III  
4 Attorneys for  
5 ADMIRAL INSURANCE COMPANY

6 DATED: April 13, 2012

ARCHER NORRIS

7 /S/  
8 SEAN D. WHITE  
9 Attorneys for  
10 FINANCIAL PACIFIC INSURANCE COMPANY

11 DATED: April 13, 2012

LAW OFFICE OF SEMHA ALWAYA

12 /S/  
13 SEMHA ALWAYA  
14 Attorneys for  
15 AMERICAN SAFETY INDEMNITY COMPANY

16 DATED: April 12, 2012

MECKLER BULGER TILSON, MARICK &  
PEARSON

17 /S/  
18 IRENE K. YESOWITCH  
19 Attorneys for  
20 FIRST MERCURY INSURANCE COMPANY

21 DATED: April 12, 2012

SINNOTT, PUEBLA, CAMPAGNE & CURET

22 /S/  
23 BLAKE S. CURET  
24 Attorneys for  
25 ZURICH AMERICAN INSURANCE COMPANY

26 DATED: April 13, 2012

DILLINGHAM & MURPHY

27 /S/  
28 J. CROSS CREASON, III  
Co-Attorneys for  
GREENWICH INSURANCE COMPANY

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1 DATED: April 13, 2012

BATES CAREY NICOLAIDES, LLP

2  
3 /s/  
ROBERT J. BATES, JR.  
4 Co-Attorneys for  
GREENWICH INSURANCE COMPANY

5  
6  
7 **ORDER DISMISSING THIRD-PARTY COMPLAINT,**  
8 **COUNTER CLAIM AND CROSS-CLAIM WITHOUT PREJUDICE**

9 IT IS SO ORDERED.

10  
11 DATED: April 17, 2012

Lucy H. Koh  
12 Hon. LUCY H. KOH  
13 U.S. District Court Judge

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